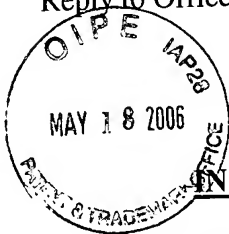


Appl. No. 10/786,873  
Communication dated May 16, 2006  
Reply to Office Action mailed February 17, 2006



Atty. Docket: 2497 CIP3 CON4  
(203-3450 CIP3 CON4)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**APPLICANTS:** Kieturakis et al.

**EXAMINER:** Glenn K. Dawson

**SERIAL NO.:** 10/786,873

**ART UNIT:** 3731

**FILED:** February 25, 2004

**DATED:** May 16, 2006

**FOR: APPARATUS AND METHOD FOR DISSECTING TISSUE LAYERS**

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**COMMUNICATION**

Sir:

In response to the Office Action mailed February 17, 2006, please consider the following remarks.

The Office Action rejected claims 2, 3, 5-7, and 9 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 9 of U.S. Patent No. 5,772,680 in view of U.S. Patent No. 5,309,896 to Moll et al. In response thereto, Applicants hereby submit a terminal disclaimer in accordance with 37 C.F.R. § 1.321(c) and the fee required under 37 C.F.R. § 1.20(d). Therefore, it is respectfully submitted that the Office Action's obviousness-type double patenting rejection of claims 2, 3, 5-7, and 9 has been overcome.

**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 16, 2006.

Dated: May 16, 2006

Dana A. Brussel